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1993 Update of the Harpswell Comprehensive Plan

Harpswell (Me.). Harpswell Comprehensive Planning Committee

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of
The Harpswell Comprehensive Plan

Prepared by:

The Harpswell Comprehensive Planning Committee

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January 1993

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with special thanks to Mark Eyerman and Beth Della Valle

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The Planning Advisory Committee thanks the citizens of Harpswell for their interest and ideas in updating the Comprehensive Plan. Special thanks are extended to Bill Locke for his assistance in editing the final document.

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INTRODUCTION

I. ROLE OF THE COMPREHENSIVE PLAN

This Comprehensive Plan serves many functions. It is an expression of the community's vision of its future. It is a guide to making the many public and private decisions that will determine that future. It is a source of basic information about the Town's natural resources and its human environment.

The Comprehensive Plan is not a zoning ordinance, nor is it a law. It is an advisory document setting out the community's goals for the future and the policies and programs necessary to move the Town in the direction of its goals. It is the legal foundation on which to build the Town's land use controls and a road map that can be used by the Town's elected and appointed officials to steer the Town on an agreed-upon course.

II. PAST PLANNING ACTIVITIES

This 1993 update of the Harpswell Comprehensive Plan is the fourth generation of plans for the community. The first Plan was prepared in 1974 by the Planning Board in response to the State Shoreline Zoning Law. It was updated in 1981 and again in 1987.

The 1981 and 1987 Plans provided reviews of the Town's resources, opportunities, and constraints. They set forth the desires of the residents, growth trends, the historical development of the community, its natural resources, and the need for Town services. Each concluded with a recommendations for reaching the goals that had been formulated.

A key element in the preparation of the 1987 Plan was the involvement of the residents of the Town in the process through a survey and a series of public forums and hearings.

III. CURRENT PLANNING PROCESS

In 1990 in the response to the State's new Growth Management Legislation, the Harpswell Board of Selectmen created the Comprehensive Plan Advisory Committee to oversee development and updating of the Town's Comprehensive Plan and in the spring of 1991 the Committee enlisted the assistance of Market Decisions, Inc.

IV. HISTORICAL OVERVIEW OF HARPSWELL

Harpswell is comprised of one long peninsula, three large islands and some forty smaller islands at the easterly end of Casco Bay. Its physical location originally resulted in a self-reliant community dependent on the sea for both its livelihood and its communications with the outside world.

There were a dozen small fishing and farming communities isolated from each other due to the geography of the Town. Fishing and shipbuilding were the mainstays of the local economy. The 1981 Comprehensive Plan contains a more complete picture of the Town's historical development.

Harpswell had over a thousand inhabitants in 1790 and grew slowly until 1880 when the fishing and agrarian population peaked. It declined in the early years of the 20th century, reaching another low point in 1920, Since World War II there has been slow growth increasing in rapidity through the 70's and 80's. The Demographic Profile, contained in Appendix I shows the changes of the past 15 years.

GOALS AND POLICIES

I. WATER QUALITY AND QUANTITY

A. Background

The water resources of Harpswell are vital to the well-being of the community.

The residents of Harpswell rely primarily on groundwater for drinking water. Given the Town's geology this is a finite resource, susceptible to contamination from seawater, septage, failing septic tanks, petroleum, and other contaminants. In fact, for many the quality or quantity of groundwater pumped from their wells currently is not adequate. There are dry wells and deteriorating water quality in dry summer months. Yet this is the time of marked increases in groundwater usage, as the local population is roughly doubled by summer residents and tourists.

It is important that the Town assure that additional growth and development not adversely impact either the quality or quantity of ground and surface waters.

- How can the Town do this?

The most common water quality problem is iron. High chloride concentrations due to saltwater intrusion in coastal areas are also significant. This problem potentially increases with each new well drilled.

- Should the Town be involved in 1) trying to improve the situation in areas with salt water intrusion into groundwater 2) assuring that other areas are not affected?

Sub-surface sewage disposal systems in Harpswell's thin soils may introduce human contaminants that can cause sickness and death and there are isolated cases of high nitrate concentrations in groundwater that may be related to improper functioning of septic systems.

- Is there a need for the Town to deal with existing cases of high nitrate levels in groundwater?

- Should the Town manage development to prevent future contamination?

There are several documented areas of contamination by petroleum.

- Are State activities adequate to identify and correct these problems?

- Should the Town be involved and to what extent?

While not currently showing evidence of groundwater contamination, the Town's landfill is a potential source of trouble.

"Roughly 90% of Harpswell's water supplies are individual household wells drilled to depth into bedrock aquifers, with most of the remainder being relatively shallow wells dug into soil aquifers."[1] Gerber and Rand in Ground Water Resource Analysis, identify potential high yield sand and gravel aquifers in South Harpswell, at Merriman Cove in Harpswell Center, and on Bailey Island. They conclude, "The possibility that one or more of these special geologic features may ultimately be shown capable of providing substantial quantities of water for nearby community or commercial use distinguishes them as subjects for early protection and continued evaluation."

In addition to individual, private wells, there are a number of private water systems that serve multiple users. Little information is available about them or the provisions for their management and protection.

- Should the Town be involved in assuring that there is adequate management of and protection for "shared" water supply systems?

Ponds and freshwater wetlands serve as storage areas for part of the fresh water stored at, and below, the surface of the ground. As a result, groundwater quality is linked to surface water quality. Ponds and wetlands also provide emergency supplies for use by the Town's volunteer fire departments.

Numerous streams drain the upland to the sea. Despite their small size, poor quality of their water may threaten the marine environment, particularly shellfish resource areas. At present little is known about the water quality of these streams or their potential for contamination.

The Town's groundwater resource has a limited "carrying capacity" to support development. If this is exceeded, the quality of the groundwater will deteriorate and additional wells may go dry or become brackish. To avoid this, the Town should manage the intensity of development.

In managing development, the Town should use the State Minimum Lot Size Law and the State Plumbing Code as starting points for establishing local requirements. The former document requires that any single-family residential lot served by on-site water supply and sewage disposal have an area of at least 20,000 square feet; the latter establishes "separation" distances between wells and septic systems and maximum septic loading within 300 feet of a domestic well.

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[1]Robert G. Gerber and John R. Rand, Ground Water Resource Analysis: Harpswell, Maine, 1982.

The concerns related to protection of the groundwater vary depending on the physical location, the pattern of development, and the volume of waste. Areas with existing groundwater problems or existing or proposed concentrated development are more sensitive than others. Uses which generate unusual volumes or types of wastes may require special consideration to protect groundwater quality.

B. Goals and Policies

The Town's goals and policies with respect to water quality and quantity are:

1. As growth occurs, the Town should assure that the quality and quantity of groundwater are protected to assure adequate future water supplies.

   a. Recognizing how critical it is for development not to exceed the "carrying capacity" of the Town's limited groundwater resources, as well as to preserve community character in the non-village areas, the Town should adopt different requirements for residential subdivisions on the one hand and lot-by-lot residential development on the other: the minimum lot size in subdivisions should be 80,000 square feet; the townwide minimum residential lot-by-lot development size should be 40,000 square feet. These requirements will provide a basic level of protection.

      However, to encourage development patterns compatible with the character of Harpswell, flexibility should be provided that would allow individual lot sizes to be reduced. (See V.B.1.a. and V.B.2. and Land Use Plan)

   b. In addition, the Town should adopt performance standards for certain uses and areas to protect groundwater from contamination by salt, bacteria, and nitrates, petroleum, and other potential hazards. Persons planning significant expansions other than single family homes, and new uses in sensitive areas[2] should be required to demonstrate compliance with the performance standards on a case-by-case base. This would include:

      - non-residential uses,
      - multifamily residential uses,
      - uses with high volumes of waste, more than 300 gallons per day (gpd), unusual types of wastes (i.e., animal husbandry), or hazardous materials (i.e., petroleum products),
      - uses involving high volumes of water per day, more than 1000 gpd,
      - uses in areas with existing water quality or quantity problems,

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[2]Include areas with existing water quality or quantity problems, unsuitable soils for septic disposal, critical wildlife habitats, and essentially developed areas.

- uses in areas with an existing or proposed pattern of concentrated development,
- uses which propose common water and/or sewer systems, and
- new, large-scale residential projects involving 10 acres or more of land.

c. Existing undeveloped lots of less than the basic minimum lot sizes should be permitted to be developed as long as the owner demonstrates that the performance standards will be met.

d. The Town should control development in areas with current salt water intrusion problems.

e. The Town should restrict the conversion of seasonal to year-round dwellings in shoreland areas unless the owner can demonstrate that he/she meets the minimum lot area requirements or the Town's performance standards governing the level of salt, bacteria, nitrates, petroleum, and other hazards to groundwater.

f. The Town should limit the replacement of existing residential uses which are located on lots which do not meet the Town's minimum lot size requirements. Existing uses may be replaced as long as the new structures have the same number of bedrooms and seasonal or year-round status as that being replaced. If, however, the owner proposes to modify any of these factors, the owner must demonstrate conformity with the Town's performance standards governing the level of salt, bacteria, nitrates, petroleum, and other hazards to groundwater. This policy is also intended to govern the replacement of nonconforming uses lost to acts of God, fire, or other similar catastrophes.

g. The Town should limit the expansion of existing residential uses located on lots which do not meet the Town's minimum lot size requirements by controlling the number of bedrooms unless the owner can demonstrate conformity with the Town's performance standards governing the level of salt, bacteria, nitrates, petroleum, and other hazards to groundwater.

h. The Town should undertake a study of groundwater, aquifers, and soil conditions to serve as a future basis for identifying areas of the Town that can support higher densities of development. In the same study the location of bedrock and sand and gravel aquifers and aquifer recharge areas referenced in the 1982 Gerber-Rand groundwater study should be verified to identify areas that might require protection and/or that could support higher densities.

i. The Town should adopt performance standards governing recharge of groundwater. In no case may a new use, significant expansion, or activities in sensitive areas cover more than 20% of its lot with impervious surface. In no case

may a new use, significant expansion, or activity in the remainder of the Town cover more than 40% of a lot with impervious surface.

j. The Town should require new residential subdivisions and non-residential developments to use on-site techniques to assure that the amount of aquifer recharge post-development is no less than the amount before development.

k. The Town should encourage projects which propose common water and/or sewer systems in problem areas and developments that propose cluster or "open space development"[3]. The Town should develop incentives to encourage these uses.

l. The Town should specify that, in the cases of proposed new non-residential uses or of the expansion of existing non-residential use, the owner demonstrate that the proposal meets the Town requirements for adequate water supply.

m. The Town should prohibit the continuous withdrawal or "mining" of groundwater for use in heating or cooling systems or for industrial or commercial process water.

n. The Town should require the use of water conservation devices for new construction in areas where there are water quality or quantity problems and should encourage the use of low flush toilets, watersavers in sinks and showers, and other water conservation devices.

o. The Town should educate the public and, in particular, incorporate into the school curriculum, programs regarding the Town's ground and surface water, their importance to the community, and the types of activities that can jeopardize them.

p. The Town should control the handling, use, storage, and disposal of petroleum products, chemicals, salt, wastes, and other potentially hazardous substances to minimize the potential for groundwater contamination, especially in those areas which overlay or are recharge areas for significant aquifers. In addition, certain uses with a high potential for polluting the groundwater such as waste disposal facilities and junkyards should be prohibited in those areas which overlay or are recharge areas for significant aquifers.

q. The Town should identify areas of actual or potential petroleum contamination and work with owners of the contaminated properties to facilitate clean-up efforts.

r. The Town should enforce sewage disposal regulations. Provide on-going oversight of sewage disposal systems that are malfunctioning or illegal to assure

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[3]Development technique that preserves open space.

that problems are corrected to allow the systems to function according to design, permit requirements, and local codes.

s. The Town should rigorously enforce the requirements of Title 30, Section 3223 of the Maine Revised Statutes Annotated with respect to proof of adequate sewage disposal prior to the conversion of a seasonal dwelling to year-round use.

t. The Town should identify existing "shared" water supplies in the community. Encourage the owners of these supplies to have their supplies tested for contamination. If the supplies are contaminated, the Town should work with the owners to facilitate elimination of contamination and develop options for preventing future contamination, including the development of mini-wellhead protection programs.

2. The Town should protect overall ground and surface water quality and the shellfishing industry by controlling discharges of potential pollutants into the waters of the Town.

a. Watersheds of particular importance or which drain into flats should be identified by the Town. Actual or potential contamination should be investigated. If areas of concern are identified, the Town should develop strategies to protect the water quality.

II. CODE ENFORCEMENT

A. Background

Under the 1987 Comprehensive Plan a part-time Code Enforcement Officer and the Selectmen share responsibility for enforcing the various State and Town codes and requirements. These include the State Plumbing Code, shoreland zoning, flood hazard building permits, the Overboard Discharge Ordinance and the Solid Waste Ordinance.

There is, in addition, a need to monitor projects approved by the Planning Board or the Board of Appeals to be sure that they adhere to the plans as submitted and meet any conditions imposed.

In connection with code enforcement two major issues have been identified:

- a lack of enforcement by the Town and
- a resulting disrespect for the rules.

The situation is aggravated by:

- the recent high level of development activity, new construction, and renovation or expansion of existing property and

- increased State and local requirements.

The rules, codes and regulations must be followed if the goals and policies of this Plan are to be implemented.

B. Goals and Policies

The Town's goals and policies with respect to code enforcement are to:

1. Assure that State and local regulations governing land use, plumbing, sewage disposal, and development are administered in a fair, conscientious, and even-handed manner.

2. Approach code enforcement in a positive, constructive, and cooperative manner.

   a. The Town should provide for full time code enforcement with appropriate support facilities.

   b. A job description laying out the qualifications and responsibilities of this position should be developed to help in the selection of candidates and to guide the Code Enforcement Officer (CEO) in the performance of his or her duties. This description should make clear the Town's desire that the officer approach his or her tasks with a "helpful" attitude. This attitude does not mean that the officer should attempt to provide services best provided by an independent surveying, engineering, or design professional. Rather the CEO should, where appropriate, offer constructive suggestions on how to avoid situations that could create future code violations.

   c. The cost of enforcement should continue to be paid in part through a system of fees paid to the Town by those requiring code enforcement services.

   d. The performance of the CEO should be reviewed annually by a committee made up from the Selectmen, planning board, and board of appeals, and the general public.

3. Assure that the Town is aware of all new development and construction activity in all areas of the community and that required approvals are obtained in a timely manner.

a. The Town should require that a building permit be obtained from the CEO prior to the commencement of construction or development activity involving 200 square feet or more. This includes the construction of a new building or the physical expansion of an existing building. A site visit should be made by the CEO before a building permit is issued. Renovation of an existing structure does not require a permit.

b. The records of the CEO should be kept on file in the municipal office and be available for inspection by the public.

c. Evidence of a valid permit should be required to be posted at the construction or development site.

d. For buildings or expansions which are 200 square feet or greater, the CEO should review plans prior to the start of construction to determine that all necessary permits and approvals have been obtained and that the construction conforms to all applicable Town rules and regulations.

e. The CEO should monitor all activities requiring a building permit, subdivision approval, or site plan approval to assure that they are being done in conformance with applicable Town rules and regulations and with any supplemental requirements of project approvals.

f. The CEO should provide ongoing oversight of sewage disposal systems that are malfunctioning or illegal to assure that violations are corrected, and that the resulting systems are functioning according to design, permit requirements, and local codes.

g. The Town should actively enforce the requirements of the Maine State Plumbing Code relative to sewage disposal systems to assure that malfunctioning septic systems are repaired or replaced in a timely manner.

h. The Town should institute a public information program on septic system maintenance to assure that the public understands how these systems work and what actions are necessary to insure their long-term operation.

III. WASTE DISPOSAL

A. Background

The Town's Recycling Center has been stretched by the Town's growth over the past decade. Although steps have been taken to improve the operation, limit access to residents only, and expand recycling efforts, serious problems with the facility and recent DEP regulation changes will certainly increase the cost of operation and could require its closure.

According to a Draft Report of the Selectmen on the Recycling Center, the "best case" would allow us to continue our present operations except for trucking incinerator and wood ash to off site landfills. The "worst case" would require shutting down the incinerator, closing the landfill, no longer accepting the materials that we now bury, converting the Recycling Center building to a transfer station, and trucking approximately 1,700 tons per year of household trash to an off site landfill or "trash to energy" facility. If the incinerator and landfill are closed and the waste is trucked out of Town, the annual cost to the Town could increase by nearly 45% (from $180,000 to $261,000) in the first year.

Waste disposal (the incinerator, the landfill, the recycling center, and septage (waste from septic and holding tanks)), has been identified by the Town as a major issue. While Harpswell has given careful thought to, and worked to dispose of, its waste in a responsible and cost effective manner, new regulations and an increasing population make planning necessary. The Town needs to decide how it can cope with this critical need; whether by upgrading the current system or by alternative disposal/recycling.

B. Goals and Policies

The Town's goals and policies with respect to waste disposal are to:

1. Provide the most cost effective method of waste disposal that meets State and local regulations.

    a. Protect the Town's substantial investment in the Recycling Center.

    b. Avoid, if possible, the high cost of trucking trash to an off-site facility.

    c. Relicense the incinerator, if possible.

    d. Relicense as many of the present landfill functions as are allowed under the new regulations.

    e. Ship incinerator ash to a "special" landfill, as required by the new regulations.

2. Continue and expand the Town's successful program to lengthen the life of the landfill, increase the effectiveness of the incinerator, and endeavor to meet the new goals for recycling for 1992 (30%) and 1993 (35%).[4]

   a. Discontinue open burning of brush and wood. Implement brush chipping and contracted tub grinding for stumps and large wood items, producing usable wood chips.

   b. Encourage home composting.

   c. Encourage full compliance with the trash separation provisions of the Solid Waste Ordinance.

   d. If and when additional recycling programs become cost-effective, recycle:

      - magazines and telephone directories, when de-inking facilities, now under construction, come on line;
      - plastics;
      - other materials.

3. Continue to plan for the Town's waste disposal needs to meet anticipated growth.

   a. Investigate the desirability and feasibility of upgrading the current disposal/recycling system or the development of alternative disposal/recycling possibilities.

   b. Determining an appropriate direction for the Town will require an understanding of whether the incinerator can be modified to meet air emission standards and at what cost, and an evaluation of the potential threat the landfill poses to the quality of ground water and marine resources.

   c. Maximize the revenues generated by recycling efforts and use them to offset the operating budget for waste disposal.

   d. Provide periodic opportunities for disposal of items not currently accepted at the recycling center, including but not limited to automobiles and household hazardous materials.

   e. Consider a regional effort to meet the Town's waste disposal needs. If no regional effort is ongoing, the Town should consider initiating one.

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[4]Established by the State Waste Management Agency.

f. Continue a public education effort to point out to the community the expense of waste disposal and the potential savings associated with waste-reduction and increased recycling.

IV. MARINE RESOURCES[5]

A. Background

Harpswell owes its very existence to the sea, its resources, and the harbors that made settlement possible. This close relationship, which fostered the development of Harpswell as a series of self-sufficient fishing villages, continues to exist and is a key consideration in planning for Harpswell's future. Maritime activities have been always at the base of the Town's economy and although the relationship has changed continue to be an important part of it.

- How can the community support and foster the growth of this vital component of it's economy?

Clams can be found almost anywhere along the Harpswell shores. Not long ago, it would have been safe to take them anywhere but today water quality concerns or the presence of licensed overboard discharge systems is gradually restricting areas where shellfish can safely be harvested. Today nearly 50% of the shoreline is closed to the taking of shellfish because of Department of Marine Resources (DMR) administrative closures around overboard discharge systems, pollution, or for conservation. As a result, many dollars are lost to the Town each year due to the inability to harvest in closed areas. The potential for reopening some of these flats and keeping them open exists if the sources of pollution can be abated and/or the existing discharges removed. There are alternative methods to dispose of sewage, including shared septic systems, composting toilets, and separation of gray and blackwater.

- How can the Town play a part in reopening the flats and keeping them open?

Although the Town has 186 miles of shoreline, only a small percentage of it is suitable for water access. While motor boats have made fishing and shellfishing less dependent on shorefront locations, it is still necessary for the support and marketing facilities to have shorefront locations. Residential growth and increased land values are squeezing out traditional marine uses. Their continuation is problematic and the establishment of new uses is very difficult. Given their traditional role, it is essential that the Town assure that they receive preferential treatment in the shoreland area and in the use of limited mooring facilities in key harbor areas.

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[5]Including marine access for commercial purposes.

Access to the water for both marine and recreational use is a sensitive issue. Existing access is limited and often crowded. Another sensitive issue is the fact that Harpswell provides access to the water for the residents of many other communities. There is a need to balance improved public access to the water with concerns about overuse.

A number of Town landings have fallen into disuse. The possibility for reestablishing shore access at these areas is something the Town should pursue.

B. Goals and Policies

The Town's goals and policies with respect to marine resources are to:

1. Promote the retention and growth of marine related activities including but not limited to fishing, shellfishing, boat building, and marine supply and service.

    a. Allow marine related activities provided they minimize adverse impacts on neighboring properties and the environment.

    b. Provide shorefront districts for marine related uses.

    c. Publicize the importance of marine related activities to Harpswell's economy and the danger of threats to the vitality of the industry.

2. Protect and improve shellfish harvesting areas.

    a. Continue the annual survey of some of the more commonly harvested flats in order to evaluate their condition and issue an appropriate number of licenses each year.

    b. Develop a system of licensing incentives that encourages commercial clammers to do "conservation" work such as assisting with the annual survey, identifying pollution sources, making presentations to schools and local service groups, etc.

    c. Encourage the Town's Shellfish Committee to work with other organizations to identify potential sources of pollution as a first step toward rehabilitating shellfish areas.

    d. Consider a Town program to eliminate overboard discharges and malfunctioning septic systems which are endangering shellfish harvesting area. Perhaps the Town could appropriate funds to supplement State and private monies to terminate four or more of these systems each year.

    e. As pollution sources are abated and/or removed, actively encourage the State to reopen closed flats for harvesting.

f. Carefully review the authorization of potential new discharges to marine waters, including commercial and/or industrial dischargers of heated water that could pose a threat to shellfish harvesting areas.

g. With the Regional Shellfish Committee, continue cooperative management of clam resources which cross municipal boundaries.

3. Assure continued access to the water for fishermen and others involved in marine related activities.

a. Maintain and, where possible, improve points of public access to the shoreline.

b. Identify potential future points of public access to the shoreline and, where appropriate, secure title to them.

c. Continue the use of mooring plans and give priority to a) waterfront landowners, b) resident "working boats," and c) other residents.

V. LAND USE

A. Background

The development pattern of the 80's raises important issues for the community. Appendix I. Inventory and Analysis indicates that nearly half of Harpswell's available land is occupied by small users. At the Town's recent growth rate, it will double the number of households in approximately 25 years, using up a good portion of the remaining land.

1. Residential Development

Residential development in the past decade was spread across the community and extended to a few of the outer islands. Some occurred in new subdivisions, but a substantial amount occurred on a lot-by-lot basis.

During this period almost 600 additional housing units were built, 30 to 40 new units per year throughout the first half of the 80's. Most consisted of single family homes and mobile homes, with a small number of new two-family or multifamily structures. From 1985 through 1988, residential growth boomed, significantly expanding the housing stock. Over the last few years, the pace of development has retreated to earlier levels.

Residential growth pressure in the Town results from two major groups, retirees and upper income commuters. The demand for housing for these two groups is likely to continue for the foreseeable future.

Increasing residential development presents a number of concerns for the community: increased pressure on groundwater supplies, increased traffic on the Town's road system, increased demand on public facilities and services, primarily in the areas of public safety and school capacity, adverse impact on environmentally sensitive areas, and degradation of the character of Harpswell. Unfortunately, these probably will translate into an increase in taxes.

Lot-by-lot growth has had a significant effect on the character of the community, especially on the scenic quality of major roadways and the shoreland.

- Should the Town try to manage this type of growth to preserve scenic quality?

Suburban subdivisions and condominium/row house development is also out of character with the existing scenic pattern. While some shorefront development occurred, most has been away from the immediate shoreline. Large developments in the past decade were on the northerly end of Great Island.

One of the problems before the community is how to encourage a growth pattern compatible with existing villages without increasing water quality/quantity and septic disposal problems.

2. Nonresidential Development

The Town of Harpswell developed as a series of self-sufficient fishing villages with extensive farming by the turn of the century. As in other parts of Maine, the pattern of family farming has gradually eroded. Children have left for better jobs elsewhere or entered other occupations. Many farms have been abandoned and grown back to brush or timber. Some former farmland has been developed.

Today, Brunswick serves as the primary retail center for Harpswell with a wide range of facilities to meet the needs of its residents. Increasingly, Harpswell has become a bedroom community with residents commuting to work elsewhere.

The combination of these factors has limited the amount of nonresidential development in Harpswell. It's small year-round population results in limited demand for nonresidential development. The Town currently has a significant number of small scale businesses whose services fall into one of three categories: fishing and boating, retail and services for summer tourists, and retail and services to residents. In addition, there are a small number of businesses that depend on outside markets.

The geography of the Town has resulted in nonresidential uses being scattered throughout the Town. Marine related and local service businesses are found in virtually every area of the Town. Those serving tourists are concentrated along Route 24 on Orr's and Bailey Islands but are found in other areas as well. A small farming community remains on Harpswell Neck.

The Town offers a desirable environment for small businesses, but the pattern of home business and other small businesses throughout the community raises questions as to how they can be accommodated, important though they are, without adversely affecting other residents.

- How can they be "good neighbors"?
- How should the Town influence these businesses to be "good neighbors?"
- Is there a need to restrict certain types of businesses to designated areas, or should they be located throughout the Town?

A significant level of small scale, nonresidential development occurred in the 80's. Much of this growth was located in individual buildings along the Town's two major roadways, beginning a pattern of strip development. In addition, some new uses have poor vehicle access and parking provisions.

- Should the Town control new commercial uses in these areas?

Shopping centers, major manufacturers, or office complexes are not likely to locate in the Town. With the exception of the tourist trade, new nonresidential development will continue to be small-scale relying on the local population base. As areas such as Boothbay Harbor become overdeveloped, more tourists are likely to seek out less developed, but equally accessible areas in which to experience the Maine Coast. Harpswell may be an attractive alternative, which could result in increasing demand for motels, inns, restaurants, shops, and marinas.

- Does the Town want to increase its tourist base?
- Are summer residents to be preferred over "day trippers?"
- If so, how does this mix of businesses reflect the Town's preference?
- How can businesses that cater to summer visitors be accommodated without creating traffic hazards or reducing the attractiveness of the community?

The planned closing of the naval fuel depot on Harpswell Neck raises questions about the future use of this site and about the possibility of environmental degradation stemming from its former use as a petroleum storage facility.

- How should the Town evaluate and protect itself from potential damage to the environment?
- What potential opportunities are afforded by the closure of the fuel depot?

3. Zoning

Appendix I. Inventory and Analysis raises a number of concerns about the trends of land use development in Harpswell. Residents have long recognized that there is a relationship between development and groundwater quality and quantity. More recently, there have been concerns about the effect of development on roadway congestion, shoreland access, and community character.

In recognition of the importance of protecting the groundwater resources of the community, the Comprehensive Plans of 1981 and 1987 and the 1982 Gerber-Rand groundwater study recommend controlling the density of residential development in both subdivisions and on individual residential lots through the use of minimum lot size requirements. This approach, incorporated in the 1987 Comprehensive Plan, was rejected by the Town.

- What, should the Town do to assure that the plans for controlled growth of the community as expressed in this Comprehensive Plan are met?
- What should the Town do to preserve its water resources?
- What should the Town do to preserve its rural character?
- How can residential uses be protected from the negative impacts of commercial growth?
- How can Harpswell's roads be protected from the type of conglomerate hodgepodge found along the Route 1 corridor in Maine?

Zoning can infringe on independence and private property rights in the name of the public interest. Yet, as Harpswell's population grows, zoning may be the only way to protect its resources and character.

- Is zoning the interior land for various uses needed or appropriate to address the various concerns raised here about land use?
- Is a minimum lot size or varying minimum lot sizes part of the answer?
- Are performance and design standards a more appropriate solution?
- Is zoning the only tool available and/or appropriate to support the goals of the Town?
- Is zoning contrary to the current culture in Harpswell?

B. Goals and Policies

The Town's goals and policies with respect to land use are to:

1. Manage residential development in the community to assure that it is a positive addition to and in keeping with the character of the community by:

    - adapting the density of development to a level appropriate to the capacity of the natural resources to support that use, with special attention to the off-shore islands;
    - restricting development in areas where public facilities such as roads or access are not adequate to service the development unless provisions are made by the developer for upgrading those facilities;
    - requiring the scale of new development to be in keeping with the character of the Town;
    - ensuring that the quality of new development provides a good living environment for all residents and protects the Town from extraordinary service and maintenance costs in the future; and

- encouraging a range of housing opportunities to meet the needs of all residents of Harpswell.

a. Control the density of residential development in both subdivisions and on individual residential lots in all areas of the community through a combination of minimum lot size requirements and performance standards as described in I. Water Quality and Quantity: Goals and Policies.

Additional controlling factors in determining the intensity of development should be the ability of the Town's road network to safely accommodate additional traffic and the conservation of community character. If water quality and quantity, roadway capacity, and community character can be preserved, growth should be encouraged in, and adjacent to, existing villages. Clustering/open space development should be encouraged in larger residential developments by the use of incentives such as density bonuses.

Recognizing that lot-by-lot development not part of a subdivision is more compatible with the landscape outside of the villages in the Town, and that this provides opportunities for preserving the affordability of housing, individual lots not part of a subdivision may be a minimum of 40,000 square feet. Lots in subdivisions should be a minimum of 80,000 square feet, with flexible provisions for cluster or open space development.

In each district the minimum lot area for residential uses such as apartments or attached housing units should be established based on the design sewage flow for the use compared to the flow from a single-family home (300 gallons per day). For the purposes of computing a proportionate minimum lot size, the amount of sewage generated by, and the waste disposal requirement of, such development shall be based on 120 gallons per bedroom.

b. Require that new residential developments provide a quality living environment by having good roads, drainage systems, and open space with safe access to the existing road system; they should minimize the impact on abutting landowners, protect the Town from future costs, and protect unique natural areas and scenic resources.

c. These development standards should include:

- the placement of buildings on the site with respect to lot lines and significant natural features such as wetlands or designated unique or critical areas. The placement should also minimize off-site impacts;
- the layout of lots, drives, roads, and open spaces to assure safe public and emergency vehicle access to the development and within the development;

- the installation of septic systems to minimize the adverse impacts on groundwater quality;
- the provision of adequate access to the site. For island developments, this shall include permanent provisions for sufficient vehicle parking on the mainland and access to appropriate docking facilities on both the island and mainland;
- assurance that construction standards for new roads, access drives, and similar public improvements are adequate for the intended use and will protect residents and the Town from unnecessary future costs. These provisions should provide different standards for improvements that will be turned over to the Town and those that will remain in private ownership;
- the setback and/or buffering of structures from major roadways to preserve the open quality of those roadways; and
- the formulation of height restrictions in all areas to assure that development is compatible with the scale of development in the surrounding area and reflects the limitations of fire apparatus.

d. Permit the construction of new, large-scale residential projects involving 10 acres or more of land only if they:

- are designed to be in keeping with the scale of other development in the community;
- provide adequate and safe roadway access;
- protect abutting property owners from undesirable impacts;
- provide adequate water supply. (Projects which propose common water systems should be required to demonstrate that this can be done without affecting the water supply of neighboring properties);
- provide adequate sewage disposal. (Projects shall be required to demonstrate that this can be done without reducing the quality or quantity of groundwater supplies available to neighboring properties);
- retain scenic and natural resources on the site and provide for the retention of permanent open space within the development; and
- the formulation of height restrictions in all areas to assure that development is compatible with the scale of development in the surrounding area and reflects the limitations of fire apparatus.

e. Permit development of legally existing lots that do not meet the basic minimum lot sizes as long as the owner demonstrates that the performance standards as described in I. Water Quality and Quantity: Goals and Policies are met and the proposed building complies with all other development regulations.

2. Encourage open space development/cluster housing with density bonuses and/or other methods. Open space development/cluster housing developments shall provide areas of open space and be adequately set back from waterfront and wetlands.

3. Endeavor to protect the future of the fishing industry and other marine related uses by assuring that the current policy of designating commercial fishing districts for these types of uses is continued.

   a. The Town should review the shoreland zoning designations to assure that they encourage the continuation of marine related industries.

4. Allow the retention, expansion, and creation of small scale businesses which give employment opportunities to local residents provided that:

   - the scale, including height, and intensity of the business activity is in keeping with the character of the Town;
   - the use provides safe access into and out of the site;
   - the businesses do not overtax either the Town's natural resources or transportation system; and
   - the use is carried out in a way which protects neighboring properties from adverse impacts.

5. Restrict large-scale nonresidential uses to locations which provide safe vehicular access, do not overburden the Town's road system, are capable of being developed without creating adverse impacts on neighboring property owners.

   a. Projects which use more than 1,000 gallons of water per day shall be required to demonstrate compliance with the performance standards in I. Water Quality and Quantity: Goals and Policies to assure that water supply and sewage disposal can be accommodated without having an adverse impact on the quality or quantity of the water supply of the surrounding area.

6. Require that all new and expanded nonresidential uses be reviewed and approved by the Planning Board. This review requirement should also apply when a residential use is converted to business use or an existing business is converted to a new business. The development proposal must meet Town standards.

   a. The uses must be located on a lot which meets the basic minimum lot sizes of 40,000 square feet in the Shoreland District and the interior, and 80,000 square feet in subdivisions.

      In addition, the minimum lot size for uses which generate more than 300 gallons of sewage per day or generate or handle unusual or hazardous types of waste should be required to demonstrate compliance with the performance standards in I. Water Quality and Quantity: Goals and Policies.

   b. The development must provide safe access into and out of the site.

c. Adjacent roads must have adequate traffic capacity and safety.

d. The developer must demonstrate that the site has adequate water supply and sewage disposal.

e. The proposal must demonstrate adequate off-street parking to meet the needs of employees and customers.

f. The proposal must demonstrate that surface drainage will be disposed of without adversely impacting downstream properties.

g. The proposal must make adequate provisions to protect neighboring property owners from adverse impacts.

h. The proposal must make adequate provisions, based on specific objective standards, to protect the scenic quality of the site and its environs.

i. The proposal must be of a scale, including height, that is compatible with the scale of development in the surrounding area and reflect the limitation of fire apparatus.

7. Allow residents to operate small businesses and services in their homes.

a. Measures must be taken to minimize adverse impacts on neighboring property owners.

b. The business activity must be accessory to the use of the property as a residence, not alter the residential character of the property.

8. Permit legally existing nonresidential uses to be "grandfathered" and continue in the same manner and location as they currently operate.

9. Establish a committee or a group such as the Harpswell Heritage Trust to take a proactive position on the future use of the 103 acre naval fuel depot on Harpswell Neck.

a. Provide input to assure that any new use of the site meets Town goals and policies.

b. Take advantage of possible future opportunities afforded by the closure of the facility, such as deep water and shoreland access, park land, elderly or low income housing, among others.

c. Assure that appropriate closure and clean-up efforts are taken to protect the Town from potential environmental concerns.